THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.7101 of 2006

Dated:13.04.2006

Between:

G.Balakrishna Reddy.

..... PETITIONER

AND

The Mandal Revenue Officer, Rapthadu Mandal, Ananthapur District, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.7101 of 2006

ORDER:

The land in Survey No.376-1D admeasuring Acs.4.86 cents situated at Hampapuram Village was taken over by the Government as a ceiling surplus under the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973. The land was assigned to the third respondent as a landless poor person by proceedings dated 08.05.1977. On the ground that the third respondent was not resident of the

said Village, the Mandal Revenue Officer by proceedings dated 18.10.2002 resumed the land to the Government. Thereafter on 08.11.2002 the land was assigned to the petitioner herein. After coming to know about this, the third respondent made a representation to the second respondent to reassign the land. After getting the report from the Mandal Revenue Officer and perusing the records, the Revenue Divisional Officer cancelled the assignment in favour of the petitioner and directed the Mandal Revenue Officer to reassign the land to the third respondent. Aggrieved by the same, the present writ petition is filed.

Heard the learned Counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General).

The Revenue Divisional Officer in the impugned order observed as under.

> …The Mandal Revenue Officer has passed orders resuming the land to Government under violation of conditions of grant. As per the A.P.Land Ceiling Act, the Mandal Revenue Officer is not competent to resume the surplus land assigned. The Revenue Divisional Officer is the competent authority to resume the surplus land to government under violation of conditions of grant. The presumption of the then MRO.Rapthadu the original assignee is not residing at Hampapuram Village where the lands were assigned is not correct. Since the resident of the assignee was clearly noted in the DA file as resident of Ananthapur. Hence non residence of the assignee is not criteria for cancellation and resumption. Moreover, the land assigned to one S.C beneficiary initially, but the then MRO.Rapthadu who is not competent has reassigned to OC beneficiary, which is irregular.

Pursuant to the above orders the Mandal Revenue Officer issued a memo (order) on 23.03.2006 directing the petitioner to vacate the land. Even before that, alleging that the third respondent and one H.Narayana Swamy were trying to interfere with the possession, the petitioner immediately approached the civil Court and filed a suit, being O.S.No.249 of 2006, on the file of the Court of the Principal Junior Civil Judge, Ananthapur. The said Court on the application filed by the petitioner, being I.A.No.594 of 2006, granted *ad interim* injunction. Therefore, liberty is given to raise all the objections before the civil Court. For this reason alone, this Court is not inclined to interfere in the matter.

The Writ Petition is therefore, dismissed with the above observations. No costs.

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(V.V.S.RAO, J)

13.04.2006

vs